

MOW 1017-1.1 (06/11)

**IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI**

In re: ORA E. MOTT

Debtors

Case No. 13-43648

**MOTION TO DEVIATE FROM STANDING ORDER ISSUED
SEPTEMBER 30, 2008/ LOCAL RULE 3094-1**

COMES NOW Debtor, Ora E. Mott, by and through counsel, and for her Motion to Deviate from Standing Order Issued September 30, 2008/ Local Rule 3094-1, states as follows:

1. Debtor filed her petition for relief under Chapter 13 of the Bankruptcy Code on September 25, 2013.
2. Debtor owns real estate located at 1803 NE 72nd Terr., Gladstone, MO 64118. The servicer on this Fannie Mae mortgage is Green Tree Servicing, LLC (hereinafter “creditor”) filed an Objection to Confirmation of the Debtors plan and stated pre-petition arrearages in the amount of \$694.01.
3. Debtor’s ex-husband contributes to Ora Mott’s household expenses in the amount of \$1000 per month. This contribution is disclosed on Schedule I and is primarily intended to help Ms. Mott pay her mortgage payments. However, the ex-husband pays the lender directly as opposed to paying Ms. Mott the \$1000 and then she paying the mortgage company. His only income is social security disability and is therefore paid only once each month. The result is that oftentimes, the mortgage is paid a few days or weeks late. The arrears stated in Creditor’s Objection is less than one full monthly payment.
4. Because the bill is paid each directly by Debtor’s ex-husband it is not necessary to Debtor’s reorganization. Further, if required to bring the mortgage into the plan, Debtor will incur added Trustee fees. Debtor’s budget is extremely tight and she fears this will have an adverse effect on her ability to make timely monthly payments.
5. Debtor believes that because her ex-husband is the individual paying the monthly mortgage combined with the very small amount of pre-petition arrearages, that these facts warrant a deviation from the Standing Order/ Local Rule.

WHEREFORE, Debtor requests that the Court enter an Order allowing her to make payments directly to Green Tree Servicing LLC despite the fact there are pre-petition arrearages, allow the plan as filed to be confirmed and for further relief as the Court deems just and proper.

Dated: 12/02/2013

Respectfully submitted,
W M LAW

/s/ Jennifer E. Packard

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NOTICE OF MOTION

Any party with an objection is directed to file a Response to the motion within twenty-one (21) days of the date of this notice with the Clerk of the United States Bankruptcy Court. Documents can be filed electronically at <http://ecf.mowb.uscourts.gov> Information about electronic filing can be found on the Court website www.mow.uscourts.gov. Parties not represented by an attorney may mail a response to the Court at the address below. If a response is timely filed, a Notice of Hearing will be provided to all interested parties by the Court. If no response is filed within twenty-one (21) days, the Court will enter an order granting the motion.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Motion was served, in addition to the parties notified by the US Bankruptcy Court's electronic notification, upon the affected creditors and other parties in interest via US First Class Mail, postage prepaid, on Monday, December 02, 2013.

Court Address: U.S. Bankruptcy Court, 400 E. 9th St., Room 1510, Kansas City, MO 64106

/s/ Jennifer E. Packard